

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1511 – SB 1783

March 4, 2014

SUMMARY OF ORIGINAL BILL: Creates a new Class C felony for evading arrest where the flight or attempt to elude results in death or injury to innocent bystanders or other third parties.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$111,400/Incarceration*

SUMMARY OF AMENDMENT (013469): Creates a Class C felony for evading arrest in a motor vehicle when operation of the motor vehicle causes death or serious bodily injury.

Corrects a reference from “this section” to “this subsection”.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$44,600/Incarceration*

Assumptions for the bill as amended:

- Under current law, evading arrest in a motor vehicle is a Class E felony, unless the flight creates a risk of harm or injury to innocent bystanders or other third parties, in which case it is a Class D felony.
- The proposed legislation creates a new Class C felony where the flight and the operation of the motor vehicle results in death or serious bodily injury.
- According to the Department of Correction (DOC), there has been a 10-year average of 71 admissions each year for evading arrest that creates a risk of harm or injury, Class D felony.
- It is assumed that four percent (3 admissions) of these admissions each year resulted in death or injury, and would be sentenced under the proposed legislation as a Class C felony rather than a Class D felony.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.

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- According to the DOC, the average operating cost per offender per day for calendar year 2014 is \$66.29.
- The average time served for a Class C felony is 2.98 years. The average time served for a Class D felony is 2.06 years. The proposed legislation will result in each offender serving an additional 0.92 years (336.03 days).
- According to the DOC, 32.03 percent of offenders will re-offend within three years of their release. A recidivism discount of 32.03 percent has been applied to this estimate to account for the impact of offenders would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (3 offenders x .3203 = 1 offender).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two offenders [3 offenders – 1 (recidivism discount)] serving an additional 0.92 years (336.03 days) for a total of \$22,275.43 (\$66.29 x 336.03 days). The cost for two offenders is \$44,550.86 (\$22,275.43 x 2).
- The bill will not result in any increased convictions. Rather it is increasing the penalty for evading arrest offenses currently prosecuted and sentenced as Class D felonies.
- Any impact on the caseloads of the courts, district attorneys, and public defenders can be accommodated within existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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